

## MEETING RECORD

**NAME OF GROUP:** City Board of Zoning Appeals

**DATE, TIME AND**

**PLACE OF MEETING:** Friday, December 20, 2002, 1:30 p.m., Hearing Chambers,  
County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS**

**IN ATTENDANCE:**

**Members:** Gerry Krieser, George Hancock, Gene Carroll  
and Tom Wanser

**Others:** Rodger Harris (Building & Safety), Tonya  
Skinner (City Law Dept.), Becky Horner and  
Missy Minner (Planning Dept.), applicants and  
other interested parties.

**STATED PURPOSE**

**OF THE MEETING:** Regular Meeting of the City Board of Zoning Appeals

### **Election of Chair and Vice-Chair -**

Wanser moved that George Hancock be elected chair, seconded by Carroll. Motion carried 4-0; Wanser, Carroll, Krieser and Hancock voting 'yes'; Wibbels absent.

Krieser moved that Gene Carroll be elected vice chair, seconded by Wanser. Motion carried 4-0; Krieser, Wanser, Carroll, and Hancock voting 'yes'; Wibbels absent.

### **Approval of the minutes of the November 22, 2002 meeting -**

Wanser moved approval of the minutes as distributed, seconded by Krieser. Motion to approve carried 4-0, Wanser, Krieser, Carroll and Hancock voting 'yes'; Wibbels absent.

**Appeal No. 2346 by Jack Way, on behalf of Zion Church, for variances to the lot are covered by a church building and the side yard on property generally located at 828 D Street.**

## **PUBLIC HEARING**

**December 20, 2002**

Jeff Downing appeared on behalf of Zion Church. The church recently purchased a member's house and garage on the adjacent property. The structures on that property were built prior to the current 15' setback requirement. The person living in the house is the caretaker of the church premises. He will continue living in the residence. The renovation planned is in the large garage. There are 10' between the garage and alley and 3.8' between the house and alley. They would like to have the setback by the garage reduced to be in line with the setback at the house. The renovation of the garage would include drywall and carpeting so that it could be used as a youth ministry facility. In order to be consistent and have reasonable use of the property, they would like to reduce the setback to 3.8'.

There are currently no plans to do anything more than cosmetic changes on the property. If they decide to do more in the future, it would be extensive renovation that would have to be approved by the City. They do not plan to extend anything closer to the alley.

Wanser asked if this appeal was even necessary because these buildings should fall under the grandfather clause. Harris stated that the buildings are non standard, meaning they can continue at their current use

with the lesser setback. Once this is converted for church purposes, a different setback would apply.

Wanser asked if approval of the variance would apply only to these buildings or if the setback would be adjusted across the property. Harris indicated that Building & Safety would ask the Law Department for an interpretation of the language in the resolution.

With no one further appearing, the public hearing was closed.

## **ACTION**

**December 20, 2002**

Wanser moved approval, seconded by Krieser.

Carroll asked if the approval would be limited to the existing buildings, and not future uses. Horner noted that the resolution would be written limiting the variance to these buildings and this application.

Motion for approval carried 4-0; Wanser, Krieser, Carroll and Hancock voting 'yes'; Wibbels absent.

**Appeal No. 2347 by Todd Carpenter for a variance to allow the storage of vehicles for sale or resale in the front 12' of the front yard setback on property generally located at 5700 O Street.**

## **PUBLIC HEARING**

**December 20, 2002**

Mark Hunzeker appeared on behalf of Todd Carpenter, owner of the odd shaped, small lot on the northwest corner of Cotner and O Streets. The widening of O Street over the years has eaten away at the size of this lot. Carpenter acquired the lot with the intention of using it in conjunction with the property to the west.

There is a significant grade difference between this lot and the lot to the west. During the widening of O Street, the acquisition of right of way took the Cotner Boulevard access from this property. There is the possibility for access on O Street, but they would rather use the existing curb cut. If they are not allowed to use the front yard to store vehicles, it will be difficult to use the two properties in conjunction with each other. They are willing to install the required landscaping in the front 4' of the front yard along the street. They believe that this is one of the few uses that will not make it difficult to access this property safely from O Street.

Wanser suggested that the bottom paragraph of the memo from Rodger Harris leads him to believe that the existing Carpenter Motors is not allowed to park in the current setback. Hunzeker indicated that a doubt has been raised as to whether or not the existing arrangement of the lot to the west is a grandfathered use. He stated that he didn't have an opportunity to review the settlement agreement between City and Carpenter Motors, however he thought that may have been addressed in the agreement. He added that the property before the Board is not the one addressed in the memorandum. Wanser indicated that his concern is that this is uniform. Hunzeker agreed that uniformity is nice, but in terms of utilizing this property, without the ability to use the front yard, there is very little left of the property for this use. Without the variance, a less appropriate and attractive use could move in here.

Hancock asked how much the grade difference is. Hunzeker indicated that it varies anywhere from 4' to 6', possibly more at different places. It is very high in relation to Cotner Boulevard.

Carroll asked if the drive would be in the setback. Hunzeker stated that the drive would be in the 25' setback, but that is permitted.

Carroll asked if the owner would waive the curb cut off O Street if the variance were approved. Hunzeker did not know if he would be willing to give it up permanently, but they have no intention of using it now.

Rodger Harris appeared. He stated that the reason for his memo was to clarify the statement in the staff findings that the land to the west was under a grandfather clause. Initially he thought that was the case, but further review shows that is not the case.

With no one further appearing, the public hearing was closed.

## **ACTION**

**December 20, 2002**

Krieser moved approval, seconded by Wanser.

Krieser stated that this small lot will fit in with Carpenter Motors and that it would be hard for another business situation to work out here.

Wanser added that the proximity to Cotner and O Street do not allow for a safe access to this property. This is an example of a unique lot.

Carroll continued that the landscaping will help the corner.

Motion for approval carried 4-0; Krieser, Wanser, Carroll and Hancock voting 'yes'; Wibbels absent.

There being no further business, the meeting adjourned at 2:02 p.m.

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